

IN THE UNITED STATES PATENT OFFICE

Inventor: W. Roy KNOWLES, M.D.
Filing Date: 19 July 2000
Serial No.: 09/619,142
Group Art: 1614
Examiner: Vickie KIM, Esq.
Title: Hair Loss Prevention

#210

Hon. Commissioner for Patents
Box - Office of Petitions
Washington, DC 20231

**PETITION UNDER M.P.E.P. 724.05.II
TO EXPUNGE INFORMATION
UNINTENTIONALLY SUBMITTED IN APPLICATION**

The inventor in this case executed a Rule 131 DECLARATION on 9 Jan. 02 and filed it with the Office on 10 Jan. 2002. That DECLARATION, at Exhibit P.G., includes unintentionally submitted confidential information, namely, a person's name and address. A copy of DECLARATION Exhibit P.G. is attached here, with the confidential personal information redacted. Please expunge the originally-filed DECLARATION Exhibit P.G., and replace it with the enclosed substitute DECLARATION Exhibit P.G., from which the unintentionally submitted confidential information has been redacted.

This Petition complies with the requirements of M.P.E.P. 724.05.II:

(A) The Office can effect such return prior to the issuance of any patent on the application at issue. Here, the immediate case has not yet been allowed. Continuation application serial no. 10/046,686 has not yet been allowed. Continuation application Serial Number 10/044,553 was allowed on 12 March 2002 but has not yet issued.

(B) The information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information.

(C) The information has not otherwise been made public.

(D) The Applicant will retain such information for the period of any patent with regard to which such information was submitted.

(E) The information to be returned is not "material" information under 37 C.F.R. 1.56.

W. Roy KNOWLES
Serial No. 09/619,142
Art Unit 1614
Examiner Vickie KIM, Esq.

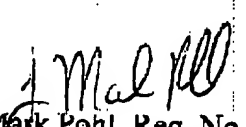
Decision on this Petition may be rendered immediately. The decision on a Petition to Expunge "should be held in abeyance until the application is allowed" where "the examiner may not have finally considered what is material to a decision of patentability of the claims." M.P.E.P. 724.06 (Aug. 2001). Here, the Examiner already considered the DECLARATION. Further, "[w]hen an application has been allowed, . . . a petition to expunge should be decided by a TC Director (see MPEP 1002.02(c))." *Id.* Here, the immediate application has not yet been allowed, but a continuation application (s.n. 10/044,553) has been allowed. The file history of the allowed continuation by law includes the file history of the immediate application. Thus, this petition appears ripe for immediate decision.

SUMMARY

Applicant respectfully requests immediate grant of this petition and replacement of the originally-filed DECLARATION Exhibit P.G. with the enclosed redacted DECLARATION Exhibit P.G.

Enclosed find a substitute DECLARATION Exhibit P.G., a FEE TRANSMITTAL FORM and the petition fee set forth in 37 C.F.R. 1.17(h).

Respectfully submitted,


Mark Pohl, Reg. No. 35,325
27 June 2002

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X:\PTO Forms\Petition to Expunge.doc

Rule 1.131 Declaration
Inventor: KNOWLES, W.R.
Filing Date: 19 July 2000
Ser. No.: 09/619,142

EXHIBIT P.G.

Please type a plus sign (+) inside this box → ☐

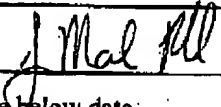
PTO/SB/21 (08-00)

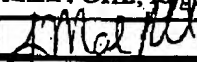
Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/619,142	
	Filing Date	19 Jul 2000	
	First Named Inventor	W. Roy KNOWLES, M.D.	
	Group Art Unit	1614	
	Examiner Name	Vickie KIM, Esq.	
Total Number of Pages in This Submission	8	Attorney Docket Number	Knowles

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) <u>one</u>	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks To assure the file has a clean (rather than a facsimile) copy of Exhibit P.G., I will send a confirmation copy of this facsimile by first class mail.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mark POHL, Reg.35.325, Pharmaceutical Patent Attorneys
Signature	
Date	See below date

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>see below date</u>	
Typed or printed name	Mark POHL, Reg. No. 35,325
Signature	
Date	27 June 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/97 (08-00)

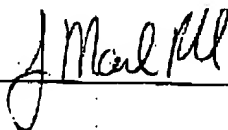
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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Office (703) 305-7230

on 27 June 2002

Date



Signature

Mark POHL, Reg. No. 35,325

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Petition to Expunge, Fee Transmittal Form, Credit Card Payment Form

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PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 130.00)

Complete if Known

Application Number	09/ 619,142
Filing Date	19 July 2000
First Named Inventor	W. Roy KNOWLES, M.D.
Examiner Name	Vickie KIM, Esq.
Group Art Unit	1614
Attorney Docket No.	Knowles

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

Deposit
Account
Name

- ☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ Payment Enclosed:

☐ Check ☒ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
101 740	201 370	Utility filing fee
106 330	206 165	Design filing fee
107 510	207 255	Plant filing fee
108 740	208 370	Reissue filing fee
114 160	214 80	Provisional filing fee

Fee Paid

0.00

0.00

SUBTOTAL (1) (\$ 0.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from Table	Fee Paid
0	-20** = 0	9.00	0.00
6	-3** = 3	42.00	0.00
Multiple Dependent			0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 260	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent.

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	0.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	0.00
120 320	220 160	Filing a brief in support of an appeal	0.00
121 280	221 140	Request for oral hearing	0.00
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 480	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	130.00
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	0.00
581 40	581 40	Recording each patent assignment per property (times number of properties)	0.00
148 740	248 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) Disclaimer Fee			0.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

SUBMITTED BY

Name (Print/Type) Mark POHL, Esq.

Registration No. 35,325
(Attorney/Agent)

Complete (if applicable)

Telephone (973) 665-0275

Signature

Date 27 June 2002

WARNING: Information on this form may become public. Credit card information should not
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